

DOCKET NO.: HHB CV 15-6029045-S : SUPERIOR COURT  
ANTHONY GEORGER : J. D. OF NEW BRITAIN  
V. : AT NEW BRITAIN  
SHELDON B. CROSBY, ET AL : DECEMBER 15, 2015

**ANSWER AND SPECIAL DEFENSES**

**COUNT ONE: NEGLIGENCE AS TO THE DEFENDANT SHELDON B. CROSBY**

1. As to the allegations set forth in paragraph 1 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

2-4. Paragraphs 2 through 4 are admitted.

5-6. As to the allegations set forth in paragraphs 5 and 6 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

7. Paragraph 7 is admitted.

8. As to the allegations set forth in paragraph 8 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

9-11. Paragraphs 9 through 11 are denied.

12. That portion of paragraph 12 that alleges "As a further consequence of the defendant, Sheldon B. Crosby's negligence as aforesaid" is denied. As to the remaining

allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13-14. That portion of paragraphs 13 and 14 that alleges "As a further consequence of the defendant, Sheldon B. Crosby's negligence" is denied. As to the remaining allegations set forth in paragraphs 13 and 14 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

15. Paragraph 15 is denied.

COUNT TWO: NEGLIGENCE AS TO THE DEFENDANT HILARY W. DONALD

1-9. The responses to paragraphs 1 through 9 of the First Count are hereby incorporated and made the responses to paragraphs 1 through 9 of this Second Count as if more fully set forth herein.

10-11. Paragraphs 10 and 11 are denied.

12. That portion of paragraph 12 that alleges "As a further consequence of the defendant, Hilary W. Donald's, negligence as aforesaid" is denied. As to the remaining allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13-14. That portion of paragraphs 13 and 14 that alleges "As a further consequence of the defendant, Hilary W. Donald's negligence" is denied. As to the remaining allegations set forth in paragraphs 13 and 14 the defendant has insufficient

information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

15. Paragraph 15 is denied.

COUNT THREE: NEGLIGENCE AS TO THE DEFENDANT JAMES DONALD

1-9. The responses to paragraphs 1 through 9 of the First Count are hereby incorporated and made the responses to paragraphs 1 through 9 of this Third Count as if more fully set forth herein.

10. As to the allegations set forth in paragraph 10 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

11. Paragraph 11 is denied.

12. That portion of paragraph 12 that alleges "As a further consequence of the defendant, James Donald's negligence as aforesaid" is denied. As to the remaining allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13. That portion of paragraph 13 that alleges "As a further consequence of the defendant, James Donald's negligence" is denied. As to the remaining allegations set forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

14. That portion of paragraph 14 that alleges "As a further result of the defendant, James Donald's negligence" is denied. As to the remaining allegations set forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

15. Paragraph 15 is denied.

COUNT FOUR: SOCIAL HOST LIABILITY AS TO THE DEFENDANT, JAMES DONALD

1-8. The responses to paragraphs 1 through 8 of the First Count are hereby incorporated and made the responses to paragraphs 1 through 8 of this Fourth Count as if more fully set forth herein.

9. Paragraph 9 is denied.

10. As to the allegations set forth in paragraph 10 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

11. Paragraph 11 is denied.

12. That portion of paragraph 12 that alleges "As a further consequence of the defendant, James Donald's negligence as aforesaid" is denied. As to the remaining allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13. That portion of paragraph 13 that alleges "As a further consequence of the defendant, James Donald's negligence" is denied. As to the remaining allegations set

forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

14. That portion of paragraph 14 that alleges "As a further result of the defendant, James Donald's negligence" is denied. As to the remaining allegations set forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

COUNT FIVE: SOCIAL HOST LIABILITY AS TO THE DEFENDANT, SHELDON B. CROSBY

1-8. The responses to paragraphs 1 through 8 of the First Count are hereby incorporated and made the responses to paragraphs 1 through 8 of this Fifth Count as if more fully set forth herein.

9-11. Paragraphs 9 through 11 are denied.

12. That portion of paragraph 12 that alleges "As a further consequence of the defendant, Sheldon B. Crosby's, negligence as aforesaid" is denied. As to the remaining allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13. That portion of paragraph 13 that alleges "As a further consequence of the defendant, James Donald's negligence" is denied. As to the remaining allegations set forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

14. That portion of paragraph 14 that alleges "As a further result of the defendant, James Donald's negligence" is denied. As to the remaining allegations set forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

15. Paragraph 15 is denied.

COUNT SIX: SOCIAL HOST LIABILITY AS TO THE DEFENDANT HILARY W. DONALD

1-8. The responses to paragraphs 1 through 8 of the First Count are hereby incorporated and made the responses to paragraphs 1 through 8 of this Sixth Count as if more fully set forth herein.

9-11. Paragraphs 9 through 11 are denied.

12. That portion of paragraph 12 that alleges "As a further consequence of the defendant, Hilary W. Donald's, negligence as aforesaid" is denied. As to the remaining allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13. That portion of paragraph 13 that alleges "As a further consequence of the defendant, James Donald's negligence" is denied. As to the remaining allegations set forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

14. That portion of paragraph 14 that alleges "As a further result of the defendant, James Donald's negligence" is denied. As to the remaining allegations set

forth in paragraph 13 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

15. Paragraph 15 is denied.

COUNT SEVEN: NEGLIGENT ASSAULT AS TO THE DEFENDANT, JAMES DONALD

1-8. The responses to paragraphs 1 through 8 of the First Count are hereby incorporated and made the responses to paragraphs 1 through 8 of this Seventh Count as if more fully set forth herein.

9. As to that portion of paragraph 9 that alleges "which included being shot with a BB gun by the defendant, James Donald, on the premises" the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof. The remaining allegations set forth in paragraph 9 are denied.

10. That portion of paragraph 10 that alleges "As a result of the negligent actions of the defendant, James Donald" is denied. As to the remaining allegations set forth in paragraph 10 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

11. That portion of paragraph 11 that alleges "As a further consequence of the negligent actions of the defendant, James Donald" is denied. As to the remaining allegations set forth in paragraph 11 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

12. That portion of paragraph 12 that alleges "As a further result of the negligent actions of the defendant, James Donald" is denied. As to the remaining allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13. Paragraph 13 is denied.

COUNT EIGHT: INTENTIONAL ASSAULT AS TO THE DEFENDANT, JAMES DONALD

1-8. The responses to paragraphs 1 through 8 of the First Count are hereby incorporated and made the responses to paragraphs 1 through 8 of this Eighth Count as if more fully set forth herein.

9. Paragraph 9 is denied.

10. That portion of paragraph 10 that alleges "As a result of the willful, wanton and malicious conduct of the defendant James Donald" is denied. As to the remaining allegations set forth in paragraph 10 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

11. That portion of paragraph 11 that alleges "As a further consequence of the negligent actions of the defendant, James Donald" is denied. As to the remaining allegations set forth in paragraph 11 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

12. That portion of paragraph 12 that alleges "As a further result of the negligent actions of the defendant, James Donald" is denied. As to the remaining



allegations set forth in paragraph 12 the defendant has insufficient information or knowledge upon which to base a belief and, therefore, leaves the plaintiff to his proof.

13. Paragraph 13 is denied.

COUNT NINTH: NEGLIGENT ASSAULT AS TO THE DEFENDANT ERIC STROM

As this Ninth Count is not directed to these defendants, these defendants do not respond to it.

COUNT TEN: INTENTIONAL ASSAULT AS TO THE DEFENDANT ERIC STROM

As this Tenth Count is not directed to these defendants, these defendants do not respond to it.

COUNT ELEVEN: NEGLIGENT ASSAULT AS TO THE DEFENDANT JOSHUA SCHWARTZ

As this Eleventh Count is not directed to these defendants, these defendants do not respond to it.

COUNT TWELVE: INTENTIONAL ASSAULT AS TO THE DEFENDANT JOSHUA SCHWARTZ

As this Twelfth Count is not directed to these defendants, these defendants do not respond to it.

### **SPECIAL DEFENSES AS TO COUNT ONE**

The injuries and damages claimed by the plaintiff were caused by his own negligence and carelessness in at least one, if not more than one, of the following respects:

- a. In that his injuries resulted from his own criminal misconduct;
- b. In that he was contributorily reckless in physically assaulting another individual;
- c. In that he was contributorily negligent in initiating a physical altercation with another individual when he knew or should have known that such action held a risk of bodily harm occurring to him;
- d. In that he was contributorily reckless by instigating a fight;
- e. In that he was contributorily negligent by instigating a fight;
- f. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant James Donald after instigating a previous fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring;
- g. In that he was contributorily negligent in failing to leave the premises when asked to leave by the defendant James Donald after instigating a previous fight or argument, when he knew or should have known that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and

h. In that he caused himself to become so intoxicated that he was not in control of his own actions.

### **SPECIAL DEFENSES AS TO COUNT TWO**

The injuries and damages claimed by the plaintiff were caused by his own negligence and carelessness or recklessness in at least one, if not more than one, of the following respects:

- a. In that his injuries resulted from his own criminal misconduct;
- b. In that he was contributorily reckless in physically assaulting another individual;
- c. In that he was contributorily negligent in initiating a physical altercation with another individual when he knew or should have known that such action held a risk of bodily harm occurring to him;
- d. In that he was contributorily reckless by instigating a fight;
- e. In that he was contributorily negligent by instigating a fight;
- f. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring;
- g. In that he was contributorily negligent in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when

he knew or should have known that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and

h. In that he caused himself to become so intoxicated that he was not in control of his own actions.

### **SPECIAL DEFENSES AS TO COUNT THREE**

The injuries and damages claimed by the plaintiff were caused by his own negligence and carelessness in at least one, if not more than one, of the following respects:

- a. In that his injuries resulted from his own criminal misconduct;
- b. In that he was contributorily reckless in physically assaulting another individual;
- c. In that he was contributorily negligent in initiating a physical altercation with another individual when he knew or should have known that such action held a risk of bodily harm occurring to him;
- d. In that he was contributorily reckless by instigating a fight;
- e. In that he was contributorily negligent by instigating a fight;
- f. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring;

g. In that he was contributorily negligent in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew or should have known that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and

h. In that he caused himself to become so intoxicated that he was not in control of his own actions.

#### **SPECIAL DEFENSES AS TO COUNT FOUR**

The injuries and damages claimed by the plaintiff were caused by his own negligence and carelessness in at least one, if not more than one, of the following respects:

- a. In that his injuries resulted from his own criminal misconduct;
- b. In that he was contributorily reckless in physically assaulting another individual;
- c. In that he was contributorily negligent in initiating a physical altercation with another individual when he knew or should have known that such action held a risk of bodily harm occurring to him;
- d. In that he was contributorily reckless by instigating a fight;
- e. In that he was contributorily negligent by instigating a fight;
- f. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when

he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring;

g. In that he was contributorily negligent in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew or should have known that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and

h. In that he caused himself to become so intoxicated that he was not in control of his own actions.

#### **SPECIAL DEFENSES AS TO COUNT FIVE**

The injuries and damages claimed by the plaintiff were caused by his own negligence and carelessness in at least one, if not more than one, of the following respects:

- a. In that his injuries resulted from his own criminal misconduct;
- b. In that he was contributorily reckless in physically assaulting another individual;
- c. In that he was contributorily negligent in initiating a physical altercation with another individual when he knew or should have known that such action held a risk of bodily harm occurring to him;
- d. In that he was contributorily reckless by instigating a fight;
- e. In that he was contributorily negligent by instigating a fight;

f. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring;

g. In that he was contributorily negligent in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew or should have known that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and

h. In that he caused himself to become so intoxicated that he was not in control of his own actions.

#### **SPECIAL DEFENSES AS TO COUNT SIX**

The injuries and damages claimed by the plaintiff were caused by his own negligence and carelessness in at least one, if not more than one, of the following respects:

- a. In that his injuries resulted from his own criminal misconduct;
- b. In that he was contributorily reckless in physically assaulting another individual;
- c. In that he was contributorily negligent in initiating a physical altercation with another individual when he knew or should have known that such action held a risk of bodily harm occurring to him;

- d. In that he was contributorily reckless by instigating a fight;
- e. In that he was contributorily negligent by instigating a fight;
- f. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring;
- g. In that he was contributorily negligent in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew or should have known that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and
- h. In that he caused himself to become so intoxicated that he was not in control of his own actions.

#### **SPECIAL DEFENSES AS TO COUNT SEVEN**

The injuries and damages claimed by the plaintiff were caused by his own negligence and carelessness in at least one, if not more than one, of the following respects:

- a. In that his injuries resulted from his own criminal misconduct;
- b. In that he was contributorily reckless in physically assaulting another individual;



c. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and

d. In that he was contributorily reckless by instigating a fight;

e. In that he was contributorily negligent by instigating a fight;

f. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring;

g. In that he was contributorily negligent in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew or should have known that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and

h. In that he caused himself to become so intoxicated that he was not in control of his own actions.

#### **SPECIAL DEFENSES AS TO COUNT EIGHT**

The injuries and damages claimed by the plaintiff were caused by his own reckless in at least one, if not more than one, of the following respects:

a. In that his injuries resulted from his own criminal misconduct;

- b. In that he caused his own injury by physically assaulting another individual;
- c. In that he initiated a physical altercation with another individual when he knew or should have known that such action held a risk of bodily harm occurring to him;
- d. In that he was contributorily reckless by instigating a fight;
- e. In that he was contributorily reckless in failing to leave the premises when asked to leave by the defendant Donald after instigating another fight or argument, when he knew that remaining at the residence under those circumstances held a substantial risk of a physical altercation occurring; and
- f. In that he posed an imminent and dangerous threat to the safety of Defendant Schwartz, requiring Mr. Donald to come to Defendant Schwartz' defense.

THE DEFENDANT,

BY /s/ 425887  
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**CERTIFICATION**

I hereby certify that on the 15<sup>th</sup> day of December, 2015 a copy of the foregoing has been mailed to the following counsel and pro se parties of record:

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